



**Town of Walpole
Commonwealth of Massachusetts
Zoning Board of Appeals**

John Lee, Chairman
Susanne Murphy, Vice Chair
Robert Fitzgerald, Clerk
Mary Jane Coffey, Member
Craig Hiltz, Member

FILE

DECISION – WALPOLE ZONING BOARD OF APPEALS CASE NO. 02-19

APPLICANT
Red Cherry, Inc.

LOCATION OF PROPERTY INVOLVED
1049 Main Street, Walpole, MA and shown on the Assessors Map 33 and Parcel 355, Zoning District: CBD

APPLICATION
A Variance under Section 6.B-1 of the Zoning Bylaw to allow relief from the required rear yard setback, and relief that was previously granted but not acted upon, located at 1049 Main Street, Walpole, MA 02081

On March 6, 2019, a Public Hearing was opened and was continued on the expectation that the Applicant would provide additional information as requested by the Board. The hearing was last continued to April 3, 2019 at the Applicant's request to allow time to provide the information requested by the Board. On April 3, 2019, the public hearing was re-opened in the Richard Stillman Community Room at the Walpole Police Station. The Applicant did not attend the April 3, 2019 public hearing and did not submit any further information for the Board's consideration and, consequently, the Board voted to close for the purpose of deliberating and voting upon a decision on the application. The Applicant did not seek to withdraw and did not submit a new application. The members who were present and voting:

The following members were present and voting:

John Lee, Chairman
Susanne Murphy, Vice Chair
Robert Fitzgerald, Clerk
Mary Jane Coffey, Member
Rick Merrikin, Member

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TOWN CLERK

VOTE OF THE BOARD:

A motion was made by Murphy and seconded by Coffey to **deny without prejudice** a Variance from Section 6.B-1. of the Zoning Bylaw to allow relief from the required rear yard setback, and relief that was previously granted but not acted upon, located at 1049 Main Street, Walpole, MA 02081.

The vote was **5-0-0 in favor** (Lee, Coffey, Fitzgerald, Murphy, Merrikin voting); therefore the Application for relief is **denied without prejudice** and the Applicant may file a new application if it so chooses.

REASONS FOR DECISION

It is the finding of the Board that the Applicant was unable to meet the requirements of Section 6-B.1. of the Zoning Bylaws, due to lack of information submitted and the subsequent failure to meet the requirements for provision of a Variance. The Applicant did not attend the April 3, 2019 hearing, did not request a continuance, and did not supply the information previously requested by the Board or otherwise to advance its case. Therefore, the application for a Variance was denied without prejudice.

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THE NOTICE OF DECISION IN THE OFFICE OF THE CITY OR TOWN CLERK.

WALPOLE ZONING BOARD OF APPEALS


Robert Fitzgerald, Clerk

RF/am

cc: Town Clerk	Engineering	Planning Board	Applicant
Board of Selectmen	Building Inspector	Conservation Commission	Abutters

This decision was made on April 3, 2019 and filed with the Town Clerk on April 16, 2019.

135 School Street, Walpole, MA 02081